

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

MICHAEL W. SMITH

PLAINTIFF

V.

CIVIL ACTION NO.:2:12cv75-GHD-JMV

GAIL JACO, ET AL.

DEFENDANTS

**ORDER**

Before the Court are motions filed by the pro se plaintiff to strike defendants letter motions (#37) and to record the filing date of pleadings as October 18, 2012 (#38). Neither of these motions are well-taken.

The court first turns to the motion to strike Defendant's letter motions (#22, 23, 31, and 32). These motions were all denied by the court and thus the plaintiff's motion to strike is moot. The court can find no reason that these motions should be removed from the record.

The court now turns to the motion to record motions for default judgment and summary judgement to have been filed on October 18, 2012. This is a case in which all parties are pro se and the plaintiff, though apparently incarcerated for the foreseeable future, is seeking damages for matters unrelated to §1983 claims. In light of these circumstances, the court has granted all parties considerable leniency in term of compliance with procedural rules of court. Nevertheless, there is no proof, other than a bald assertion by plaintiff, that the pleadings were ever mailed to the clerk of court for filing. On the contrary, the proof is, by virtue of the certificate of service, that they were only mailed to the parties. Moreover, there is no prejudice to plaintiff, since as of the date the plaintiff urges the court to deem them as having been filed, October 12, 2012, the defendants had each already filed a response to the complaint denying all allegations of the

complaint and seeking also to dismiss the complaint (the motion to dismiss was heretofore denied by the court).

The Court finds that the motions (#'s 37 and 38) are not well taken and are hereby DENIED.

SO ORDERED this 4<sup>th</sup> day of June, 2013.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE